

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
HARRELSON MATERIALS MANAGEMENT, INC.
AGENCY INTEREST NO. 28118**

**SECOND AMENDED DECLARATION OF EMERGENCY
AND ADMINISTRATIVE ORDER**

Pursuant to the authority granted to me by Louisiana Revised Statutes 30:2001 *et seq.*, and particularly La. R.S. 30:2033 and 2011(D)(6), I hereby make the following findings, declaration and order:

FINDINGS AND DECLARATION

1. Harrelson Materials Management, Inc. (hereinafter, "Harrelson") owns and operates a construction and demolition debris disposal landfill located at 1101 Russell Road, Shreveport, Louisiana (hereinafter, "the landfill"). The operation of the landfill by Harrelson is authorized and controlled by the ORDER TO CLOSE issued to Harrelson on August 7, 2014, the AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER issued on August 7, 2014, and the correspondence hand delivered to Harrelson on September 4, 2014.
2. Numerous fires have occurred in the landfill since July, 2008. Debris in the landfill is actively burning at this time. Efforts by Harrelson and by the Shreveport Fire Department have failed to completely extinguish all fires within the landfill. These fires have generated significant quantities of smoke that have frequently entered nearby residential areas, subjecting residents to offensive odors and potentially adverse health effects. The smoke has obscured visibility on Interstate 220 on several occasions.
3. The Chief of the Shreveport Fire Department has stated that responding to fires at the landfill has impaired that department's ability to respond to other fires and emergencies within its jurisdiction.

4. On June 20, 2014, the Louisiana Fire Marshal stated that “it is the opinion of the Office of State Fire Marshal ... that the fire at the above referenced facility that has been burning for more than 14 days and the smoke production associated therewith, as well as the dangers for the firefighters trying to contain the fire that this event represents a threat sufficient to warrant all steps necessary to protection of the public from harm.” The Fire Marshal invoked the authority of La. Revised Statutes 40:1563, which provides that “the fire marshal shall take all steps necessary and proper to protect life and property from the hazards of fire and of panic which may arise from fire or from the threat of fire or explosion.”

5. The ORDER TO CLOSE, among other things, specifically ordered Harrelson to “refrain from receiving, managing, and disposing of new woodwaste and C&D waste at or in any area of the landfill currently or historically known to be affected by fire, and from any and all activity that may cause or contribute to smoldering and/or fires.”

6. The ORDER TO CLOSE also ordered Harrelson to implement the Revised Alternative Subsurface Fire Mitigation plan and Addendum. Inspections of the facility show that satisfactory progress has not been made in implementing the plan.

7. Correspondence dated September 2, 2014, from the Louisiana State Fire Marshal, was received by the Department expressing serious concern over the resources and personnel available to Harrelson to properly and safely put out the fire.

8. In response to the concerns raised by the Louisiana State Fire Marshal, I prepared correspondence to Harrelson dated September 4, 2014 pointing out that it had not allocated sufficient personnel, resources, and/or equipment to properly implement the plan as approved. The correspondence instructed Harrelson to within 10 days of receipt commit “additional personnel, resources, and/or equipment sufficient to implement the Plan as approved.” The correspondence also required Harrelson “submit documentation of such third party personnel, resources, and/or equipment” to the Department.

9. On September 8, 2014 an inspection of the facility was made and it was found that waste had been deposited in an area of the landfill that had been affected by fire and which may still be burning. At the end of the day, that waste was still present on the landfill in contravention of the ORDER TO CLOSE.

10. On September 12, 2014, the department received correspondence from Harrelson's attorney. In that correspondence, Harrelson fails to provide the information requested in the September 4, 2014 correspondence, including a listing of additional personnel, resources, and/or equipment sufficient to implement the Plan as approved."

11. On September 15, 2014 an inspection was carried out on the facility. That inspection found that only one piece of equipment was in operating order and that no appreciable change in the water level in the area required to be dewatered to use for extinguishing the fire had taken place. Dewatering was to have been completed in 14 days. That time period has run.

12. Harrelson has continued to delay taking the immediate actions necessary to extinguish the fire. As a result of the conditions at the site, and the continued inability to extinguish the fires and properly operate the landfill in compliance with Department orders, I hereby find that the fires at the landfill have created and will continue to create conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety.

WHEREFORE, I hereby declare that the conditions existing which required the emergency declared by me on June 25, 2014, and August 7, 2014 still exist, and that the following measures have now become necessary to prevent irreparable damage to the environment and serious threats to life or safety.

ORDER

Pursuant to the authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001 *et seq.*, and particularly by La. R.S. 30:2033 and 2011(D) 6, I hereby order the following:

1. To the extent that this SECOND AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER conflicts with any previously issued EMERGENCY ORDERS and/or ORDER TO CLOSE, this SECOND AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER will control. This SECOND AMENDED DECLARATION OF EMERGENCY AND

ADMINISTRATIVE ORDER supersedes and replaces the earlier issued EMERGENCY ORDERS and ORDER TO CLOSE.

2. Harrelson shall immediately cease any and all receipt of C&D waste at the landfill. All legal authorization to operate the landfill is hereby revoked. The facility is hereby prohibited from accepting any and all C&D waste for disposal at the landfill. Official closure activities required by the Solid Waste Regulations shall be implemented as soon as the subterranean fire is extinguished.
3. All rock crushing and woodwaste operations are to be conducted ONLY in a manner deemed by the Department and/or the Louisiana State Fire Marshal to not hinder or otherwise interfere with operations being carried out to extinguish the subterranean fire. If these operations cannot be carried out without hindering or interfering with the fire extinguishment operations, those rock crushing and woodwaste operations shall cease until such time as the fire is extinguished.
4. Harrelson, and or its agents, employees, or owners, shall not hinder or impede any operations deemed by the Department or the Louisiana Fire Marshal to be necessary to extinguish the fire.
5. Harrelson shall immediately sign such documents as are necessary to grant authority to the Louisiana Department of Environmental Quality to begin use of the Financial Assurance amounts dedicated to closure of the landfill.
6. Harrelson shall assist, in any manner deemed necessary by the Secretary and as consistent with Louisiana Law and regulations, in the extinguishment of the fire and the closure of the facility.
7. Harrelson shall pay any and all expenses incurred by the State, or its agents acting on its behalf, associated with extinguishment of the fire and closure of the facility.
8. This Administrative Order shall remain in effect until terminated by the Secretary of the Department of Environmental Quality, in writing.

DONE AND ORDERED on this 16 day of September, 2014,
in Baton Rouge, Louisiana.

A handwritten signature in blue ink that reads "Peggy M. Hatch". The signature is written in a cursive style with a large, circular initial "P".

Peggy M. Hatch
Secretary